

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
SE inters. of Shipping Place and Shipway Road
1 Shipping Pl.- Strand Theatre
12th Election District
7th Councilmanic District
Ritz Enterprises
Legal Owners
America's Pastime, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-48-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for that property known as 1 Shipping Place in the Dundalk community of Baltimore County. The Petition is filed by the legal owner of the property, Ritz Enterprises, and their Lessee, America's Pastime. As to the special exception, the Petitioners seek approval to permit an arcade, in combination with a miniature golf course and baseball batting range and concession stand at the subject site. This relief is requested under the authority of Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), which permits arcades in a B.L. zone by special exception. Further, the Petition references Sections 422 and 423 of the B.C.Z.R., which set forth the standards for Arcade uses.

As to the variances, the Petitioners seek a variance from the strict application of Sections 232.1 and 303.2 of the B.C.Z.R. to permit a front yard setback of 0 ft., in lieu of the required 10 ft. Also requested is a variance from Section 409.6 to permit 0 parking spaces, in lieu of the required 30 spaces. Lastly, relief from Section 232A.4 is sought to allow the proposed use to be developed without any amenity open space, in lieu of

the requirement that an amenity open space ratio of at least 0.2 be maintained.

Appearing at the public hearing was Edward Canino, the architect who prepared the site plan filed in support of the Petitions. Actually several site plans were submitted in evidence, including a colorized version depicting the exterior of the site. Also submitted were several schematic plans showing the proposed internal renovations to the building. Also appearing in support of the Petition was Patricia Winter from the Eastern Baltimore Area Chamber of Commerce, Debra Golden, a nearby resident and William Mayer, Vice President of the Dunloggin Community Association. The Petitioners were represented by Darryl G. Fletcher, Esquire. There were no Protestants present.

Mr. Canino testified and presented the plan. As indicated, he is the architect who prepared the site plans. He described the area as being located in the middle of old Dundalk, a locale in which there has been a recent extensive renovation and renewal. The proposed use, known as America's Pastime, is actually to be housed within the old Strand Theatre, which has been vacant for seven years. The Lessee proposes to redevelop the Strand Theatre as shown on the site plan. A recreation center geared toward the younger residents of the community is proposed. Specifically, a 9 hole miniature golf layout will be constructed, as well as an area for batting cages, basketball hoops and an arcade. Further, there will be concession area within the site. Mr. Canino testified that the Lessee envisions the proposed use acting as a magnet for young people within the area. He anticipates that peak time usage will be after school hours, weekends and during the Summer.

- 2 -

Mr. Canino noted that his client installed a similar facility in the Federal Hill section of Baltimore City. He noted that the use, at that location, has been very successful and that the proposed facility will be greatly beneficial to the community, in that an existing vacant building will be renovated so as to provide the community with an entertainment center. Mr. Canino believes the proposed construction will be in keeping with the spirit and intent of the Dundalk revitalization.

As to the special exception, Mr. Canino noted the unusual nature of the proposed use. He believes that the relief, as requested in the Petition, adequately characterizes the proposed use. That is, an entertainment center is not an identified use in the B.C.Z.R. The proposed use, Mr. Canino believes, can be considered an arcade under the regulation. Further, he believes that this use may be granted by special exception, pursuant to Section 230.13 of the B.C.Z.R. and per Sections 422.A and 423.B.

Mrs. Patricia A. Winter of the Chamber of Commerce also testified. She enthusiastically supports the project. She notes that Phase II of the Dundalk Revitalization is underway and believes that this will create entertainment opportunities for many young people within the community. She notes that the proposed use is within close proximity to many residential communities and believes that the subject use is far better than many which had been recently proposed for the site. Her comments were echoed by Debra Golden, a resident of the community. She is very pleased with the proposed use and believes it entirely appropriate. Lastly, Mr. Mayer, of the Dunloggin Community Association, echoed these sentiments and indicated that his homeowner's association unanimously voted to endorse the proposal.

As noted above, the subject site is located in a B.L.-C.C.C. zone. Further, Section 230.13 of the B.C.Z.R. permits arcades in B.L. zones by

- 3 -

special exception. The B.C.Z.R. further defines arcades as "a part of a building in which five or more pinball machines, video games, or other similar player/operated amusement devices are maintained." Clearly, at least a portion of this use constitutes an arcade.

Section 422 of the B.C.Z.R. permits amusement devices as of right in a B.L. zone when they are used in combination with other uses. These other uses include a bowling alley, a hotel, an airport, etc. Although none of the other identified uses are applicable here, Section 422.A does empower the Zoning Commissioner with the authority to find, after public hearing, that amusement devices are permissible when used in connection with other recreational facilities. Further, Section 423 of the B.C.Z.R. permits arcades as of right in a B.L. zone when located in a bowling alley, a hotel, or a billiard or pool room.

Although the subject use, with its combination batting cages/miniature golf course/video games, is not specifically defined in the B.C.Z.R., it is closely akin to an arcade and thus should be evaluated in that context. The language of the above quoted sections, taken as a whole, is indicative of the intent of the drafters of the B.C.Z.R. to permit combination recreational/leisure facilities such as that proposed by special exception in a B.L. zone.

Having made that determination, consideration must then be given as to whether the conditions delineated by Section 502.1 of the B.C.Z.R. are satisfied by the Petitioners. The Petitioners have the burden of adducing testimony and evidence which would show that the proposed use meets these standards. In fact, the Petitioners have shown that the proposed use will be conducted without any detriment to the neighborhood and will not adversely affect the public interest. The facts and circumstances do not show

- 4 -

that the proposed use at the particular location would have any adverse impact above and beyond that inherently associated with such a use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, will not tend to create congestion in roads, streets, or alleys therein, nor will be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. Based upon the overwhelming testimony and evidence presented, it appears that the special exception should be granted.

As to the variances, these request likewise enjoy the full and enthusiastic support of both the Petitioners and the surrounding locale. As noted above, the proposed use will be housed in the old Strand Theatre, a structure which has existed for many years and predates the adoption of the B.C.Z.R. The Petitioners further noted their intent to maintain the exterior facade of the theatre to the best extent possible. In fact, the building encompasses the entire property leaving no room for parking, buffer and the like.

As noted above, the Petitioners have requested three variances. The first is to permit a 0 ft. front yard setback in lieu of the required 10 ft. In view of the configuration of the building and property, no setback can be maintained. To require the Petitioners to modify the building to observe such a setback would be inconsistent with the agreed upon goal of maintaining the traditional character of the structure.

The situation is similar as it relates to the second variance requested; namely, approval of 0 parking spaces in lieu of the required 30 spaces.

- 5 -

es. Again, there is no where on site that parking can be maintained. The Petitioners and other witnesses also testified that the proposed use would largely be utilized during non-peak traffic hours. Specifically, it is envisioned that most patrons will be of school age and will use the facility on weekends, after school, and during the midday and evenings. Thus, it is anticipated that these patrons, who do not drive and will arrive by foot, or by public transportation, will not increase the traffic/parking congestion in Dundalk. The Petitioners and their witnesses are convinced that the nature of the use and the desirability of same will more than justify the granting of the parking variances, a conclusion with which I agree.

Lastly, a variance is requested for the amenity open space ratio. Again, the size of the building as it relates to the lot justifies this request.

The area variances requested may be granted only where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 6 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, the use, as proposed, will not be contrary to the spirit and intent of the B.C.Z.R. and will not result in any injury to the public good. There is no evidence that the granting of the variances will cause any injury to the public health, safety or general welfare. Further, due to the particular constraints associated with this site, the denial of the variance will result in practical difficulty upon the Petitioners. That is, the size of the existing building and the desire to preserve same, as well as the area of the subject lot, all constitute particular and peculiar circumstances or conditions to this parcel which justifies the variance. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of Oct., 1992 that the Petition for Special Exception to permit an arcade in combination with a miniature golf and baseball batting range and concession stand, pursuant to Sections 230.13, 422 and 423 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as more particularly shown on the site plans submitted, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from the strict application of Sections 232.1 and 303.2 of the B.C.Z.R. to permit a front yard setback of 0 ft., in lieu of the required 10 ft., be and is hereby GRANTED; and,

- 7 -

IT IS FURTHER ORDERED that a variance from Section 409.6 to permit 0 parking spaces, in lieu of the required 30 spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that relief from Section 232.A.4 to allow the proposed use to be developed without any amenity open space, in lieu of the requirement that an amenity open space ratio of at least 0.2 be maintained, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 10/27/92
By [Signature]

- 8 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1992

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

RE: Case No. 93-48-XA
Petitions for Special Exception and Zoning Variance
Ritz Enterprises/America's Pastime, Petitioners

Dear Mr. Fletcher:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Ms. Debra Golden
cc: Mr. Edward Canino, E. M. Canino and Assoc.
cc: Ms. Patricia Winter, Exec. Director, Dundalk Chamber of Commerce
cc: Mr. William E. Eyring, Jr., Ritz Enterprises

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1 SHIPPING PLACE, DUNDALK, MD 21222

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

A special exception per S.230.13 BCZR to permit an Arcade in combination with Miniature Golf and a Baseball Batting Range and Concession Stand as determined by the Zoning Commissioner as entertainment, leisure, or recreational uses pursuant to Sections 423b and 422a BCZR of Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

America's Pastime

(Type or Print Name)

Signature: JAY E. STABROCK, PRES.

1810 Harford Road

Fallston MD 21047

City

Attorney for Petitioner:

Darryl G. Fletcher

(Type or Print Name)

Signature: [Signature]

8905 Harford Road (410) 882-2000

Baltimore, MD 21234

City

State

Zipcode

Legal Owner(s):

Ritz Enterprises

(Type or Print Name)

Signature: [Signature]

1810 Harford Road

Fallston MD 21047

City

Attorney for Petitioner:

4847 Belair Road

Baltimore, MD 21206

City

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Edward M. Canino

8811 Harford Road/Balro, MD 661-0415

Baltimore, MD 21234

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

Next Two Months

ALL OTHER DATE

REVIEWED BY: [Signature] DATE: 9/19/92

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1 SHIPPING PLACE, DUNDALK, MD 21222

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 5232.1 and 303.2 to permit a front yard setback of 0' in lieu of the required 10'. From Section 409.6 to permit 0 parking spaces in lieu of the required 30 spaces. From Section 232A.4 to permit 0 amenity open space in lieu of the required 0.2 open space. The existing Strand Theater building fills its property footprint completely.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

America's Pastime

(Type or Print Name)

Signature: JAY E. STABROCK, PRES.

1810 Harford Road

Fallston MD 21047

City

Attorney for Petitioner:

Darryl G. Fletcher

(Type or Print Name)

Signature: [Signature]

8905 Harford Road 410-882-2000

Baltimore, MD 21234

City

State

Zipcode

Legal Owner(s):

Ritz Enterprises

(Type or Print Name)

Signature: [Signature]

1810 Harford Road

Fallston MD 21047

City

Attorney for Petitioner:

4847 Belair Road

Baltimore, MD 21206

City

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Edward M. Canino

8811 Harford Road/Baltimore MD 661-0415

Baltimore, MD 21234

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

Next Two Months

ALL OTHER DATE

REVIEWED BY: [Signature] DATE: 9/19/92

93-48-XA

August 13, 1992

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, SHAWAN, MD
Telephone: (410) 522-1555
Fax: (410) 527-1563

ZONING DESCRIPTION FOR
#1 SHIPPING PLACE
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of Shipway (80 feet wide) at the intersection with the east side of Shipping Place (80 feet wide); thence running along the east side of Shipping Place, South 20, 22' East 60.70 feet; thence North 69, 38' East 150.00 feet and North 20, 22' East 60.70 feet to the south side of Shipway; thence along said south side, South 69, 38' East 150.00 feet to the place of beginning as recorded in Deed Liber 901, folio 003.

Containing 9,105 square feet or 0.209 acres of land, more or less and also known as #1 Shipping Place and located in the 12th Election District.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 12th Date of Posting: 9/13/92

Posted for: Special Exception & Variance

Petitioner: Ritz Enterprises & America's Pastime

Location of property: SE Intersection of Shipping Place and Shipway

Location of Sign: Ritz & Co. Building

Remarks: No Postcard - P

Posted by: [Signature]

Number of Signs: 2

Date of return: 9/18/92

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

93-48-XA

UNAD4H004SMICHR
CA 000413ADP09-14-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 9-10-92

America's Pastime
1810 Harford Road
Fallston, Maryland 21047

RE:
CASE NUMBER: 93-48-XA (Item 55)
SE Intersection of Shipping Place and Shipway Road
1 Shipping Place - The Strand Theatre
12th Election District - 7th Councilmanic
Legal Owner(s): Ritz Enterprises
Contract Purchaser(s): America's Pastime
HEARING: FRIDAY, OCTOBER 2, 1992 at 9:00 a.m. in Rm. 106, Office Building

Dear Petitioner(s):

Please be advised that \$ 69.55 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Account: R 001-6150
Number

93-48

UNAD4H004SMICHR
CA 000413ADP09-21-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-48-XA (Item 55)
SE Intersection of Shipping Place and Shipway Road
1 Shipping Place - The Strand Theatre
12th Election District - 7th Councilmanic
Legal Owner(s): Ritz Enterprises
Contract Purchaser(s): America's Pastime
HEARING: FRIDAY, OCTOBER 2, 1992 at 9:00 a.m. in Rm. 106, Office Building

Special Exception to permit an arcade in combination with a miniature golf and baseball batting range and concession stand.
Variance to permit a front yard setback of zero feet in lieu of the required 10 feet; to permit zero parking spaces in lieu of the required 30 spaces; and to permit zero amenity open space in lieu of the required .2 open space.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ritz Enterprises
America's Pastime
Darryl G. Fletcher, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/14, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13, 1992

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

receipt

Baltimore County
Zoning Administration &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

93-48

UNAD4H004SMICHR
CA 000413ADP09-21-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
September 29, 1992 (410) 887-3353

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, MD 21234

RE: Item No. 55, Case No. 93-48-XA
Petitioner: Ritz Enterprises, et al
Petition for Special Exception &
Variance

Dear Mr. Fletcher:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this 14th day of August, 1992

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ritz Enterprises, et al

Petitioner's Attorney: Darryl G. Fletcher.

Development Review Committee Response Form
Authorized signature: *Arnold Jablon* Date: 08/27/92

File Number	Waiver Number	Zoning Issue	Meeting Date
James Enterprises			
DED DEPRM RP STP TE	48		8-24-92 NC
White Marsh Joint Venture			
DED DEPRM RP STP TE	49		NC
Salvo Realty, Inc.			
DED DEPRM RP STP TE	50		Comment
Robert T. and Lorri A. Burgess			
DED DEPRM RP STP TE	51		Comment
Chester L. And Virginia J. Farley			
DED DEPRM RP STP TE	52		NC
Mark Allan Claypoole			
DED DEPRM RP STP TE	53		NC
Ritz Enterprises			
DED DEPRM RP STP TE			NC
Glenda L. Mosley			
DED DEPRM RP STP TE	56		Comment
Etta E. Plonden and Joan and Garland Arrington			
DED DEPRM RP STP TE	57		NC
COUNT 20			
FINAL TOTALS			
COUNT 21			
*** END OF REPORT ***			

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
ZADM DATE: September 10, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: 1 Shipping Place

INFORMATION:
Item Number: 55
Petitioner: Ritz Enterprises
Property Size: 0.375 acres
Zoning: BL-CDC
Requested Action: Variance, Special Exception
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a special exception to permit an arcade along with a miniature golf, baseball batting range and concession stand as determined by the Zoning Commissioner. The petitioners are seeking a variance to permit a front yard setback of 0' in lieu of the required 10', to permit 0 parking spaces in lieu of the required 30 spaces and to permit 0 amenity open space in lieu of the required 0.2 square feet of amenity open space.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request with the following recommendations:

- Alternative parking arrangements should be considered such as:
 - Provide off-site parking with the Dunleer Corporation, which owns the adjacent parking lot to the rear of the Strand Theater and a binding long-term or renewable contract should be considered.
 - Provide for on-street parking in the public right-of-way, along the south side of Shipway, between Shipping Place and Trading Place. The existing curb would have to be indented and parking spaces lined. This is in accordance with the Dundalk Village Revitalization Plan.
- In lieu of providing amenity open space, the petitioner should be required to provide streetscape improvements on the south side of Shipway in conjunction with the parking recommended above.
- The Office of Planning also encourages the petitioner to restore the original front facade of the building to the extent feasible. The original canopy beneath the marquee should be saved, if not, a new canopy similar to the original is recommended.

Prepared by: *Pat Keller*
Division Chief: *Pat Keller*
PK/EMD/FM:rdn
LTM-55/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND
DATE: August 28, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992
ITEM NUMBER: 55

There needs to be five parallel parking spaces along Shipway Road as indicated on the Dundalk Streetscape - Phase II plan.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
SEP 1 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: *Arnold Jablon* Date: 8/20/92

File Number	Waiver Number	Zoning Issue	Meeting Date
Robert T. and Lorri A. Burgess	51		8-24-92
DEPRM STP			In process
Chester L. And Virginia J. Farley	52		No Comments
DEPRM STP			No Comments
Mark Allan Claypoole	53		No comments
DEPRM STP			No comments
Ritz Enterprises	55		No Comments
DEPRM STP			No Comments
Etta E. Plonden and Joan and Garland Arrington	57		In process
DEPRM			In process
COUNT 17			
Colonial Village Company	19		8-3-92 In process
DEPRM			In process
Fuchs Spices, U.S.A., Inc.	22		Written comments
DEPRM			In process
Susan J. Blum	23		In process
DEPRM			In process
Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24		Written comments
DEPRM STP			Written comments
Arthur Thomas Ward, III	9		In process
DEPRM			In process
COUNT 5			
Maiden Choice Associates	34		In process
DED DEPRM RP STP TE			Written comments

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
AUGUST 24, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RITZ ENTERPRISES
Location: #1 SHIPPING PLACE - STRAND THEATRE
Item No.: +55 (JLL) Zoning Agenda: AUGUST 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl Jablon* Noted and Approved
Planning Group 1
Special Inspection Division Fire Prevention Bureau

JP/KER

RECEIVED
AUG 27 1992
ZONING OFFICE

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

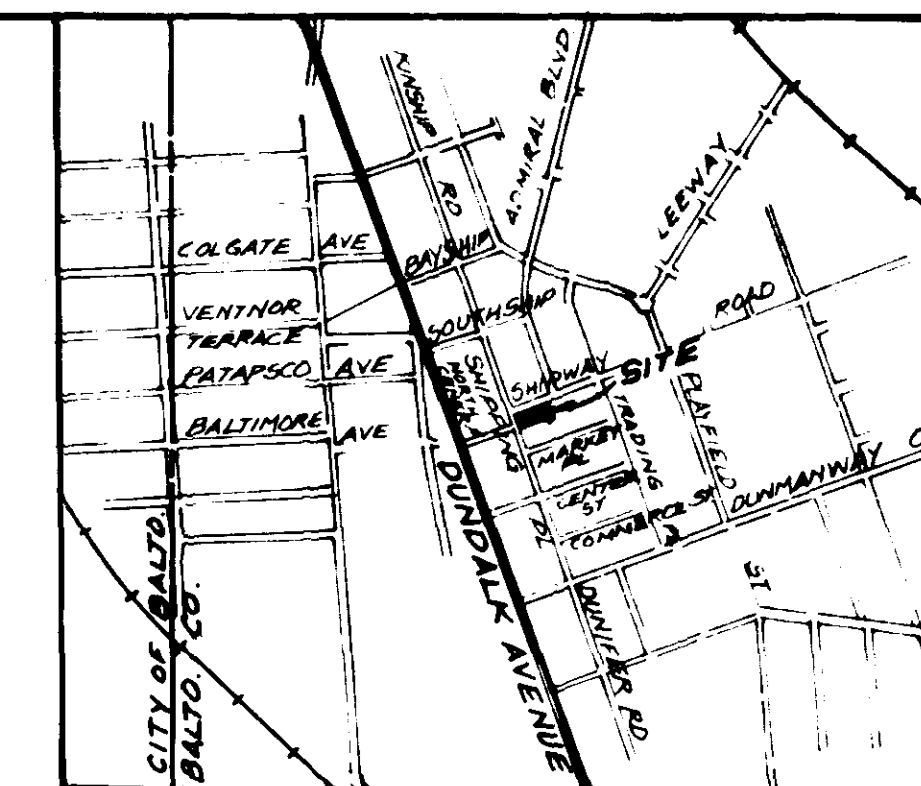
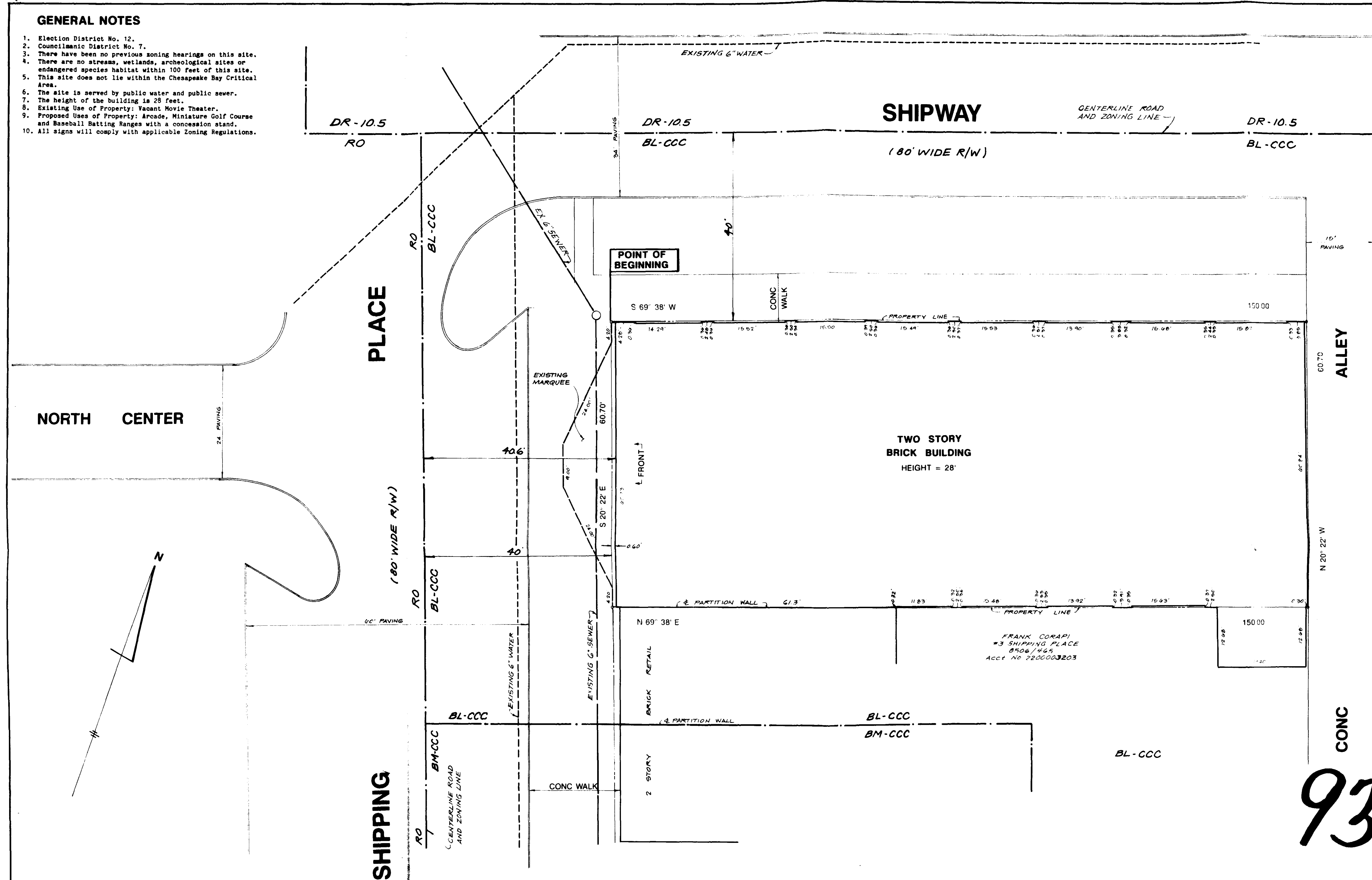
NAME	ADDRESS
<i>Debra Golden</i>	32 KIRKSHIP RD 21222
<i>Patricia White</i>	10000 BOWEN RD NE 10000
<i>EDWARD CANINO</i>	2801 Harford Rd 21234
<i>John Smith</i>	10000 BOWEN RD NE 10000

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Arnold Jablon* Date: 8/14/92

File Number	Waiver Number	Zoning Issue	Meeting Date
Robert E. And Cynthia A. Lyons	43		8-24-92
DED DEPRM RP STP TE		No Comment	
Perring Woods Court Corporation			
DED DEPRM RP STP TE	44		No Comment
Perring Woods Court Corporation			
DED DEPRM RP STP TE	45		No Comment
Helen Mooney Murphy			
DED DEPRM RP STP TE	46		No Comment
Michael E. Turley			
DED DEPRM RP STP TE	47		No Comment
James Enterprises			
DED DEPRM RP STP TE	48		No Comment
White Marsh Joint Venture			
DED DEPRM RP STP TE	49		No Comments
Salvo Realty, Inc.			
DED DEPRM RP STP TE	50		No Comment
Robert T. and Lorri A. Burgess			
DED DEPRM RP STP TE	51		No Comment
Chester L. And Virginia J. Farley			
DED DEPRM RP STP TE	52		No Comment
Mark Allan Claypoole			
DED DEPRM RP STP TE	53		No Comment
Ritz Enterprises			
DED DEPRM RP STP TE	54		No Comment

GENERAL NOTES

1. Election District No. 12.
2. Councilmanic District No. 7.
3. There have been no previous zoning hearings on this site.
4. There are no streams, wetlands, archeological sites or endangered species habitat within 100 feet of this site.
5. This site does not lie within the Chesapeake Bay Critical Area.
6. The site is served by public water and public sewer.
7. The height of the building is 28 feet.
8. Existing Use of Property: Vacant Movie Theater.
9. Proposed Uses of Property: Arcade, Miniature Golf Course and Baseball Batting Ranges with a concession stand.
10. All signs will comply with applicable Zoning Regulations.



VICINITY MAP
SCALE: 1"=1000'

SITE TABULATION

SITE DATA	
Existing Zoning	BL-CCC
Gross Area	16,326 S.F. = 0.375 Ac. ±
Net Area	9,105 S.F. = 0.209 Ac. ±
FLOOR AREA RATIO DATA	
Floor Areas	1st Floor = 9,055 S.F.
	2nd Floor = 3,035 S.F.
	TOTAL 12,090 S.F.
Floor Area Ratio Proposed	0.74
Maximum Floor Area Ratio Permitted	4.00
AMENITY OPEN SPACE DATA	
Amenity Open Space Required (0.20 x 12,090)	= 2,418 S.F.
Amenity Open Space Proposed	0 S.F.

PARKING DATA

PARKING REQUIRED	
Arcade (4 spaces per 1,000 S.F.)	1,600 S.F./1,000 x 4 = 7 spaces
Batting Cages (1.5 spaces per cage)	1.5 x 6 cages = 9 spaces
Miniature Golf (1.5 spaces per tee)	1.5 x 9 tees = 14 spaces
TOTAL SPACES REQUIRED =	30
TOTAL SPACES PROPOSED =	0

ZONING REQUEST

Requesting a SPECIAL EXCEPTION per Section 230.13 of the Baltimore County Zoning Regulations to permit an Arcade in combination with Miniature Golf and a Baseball Batting Range and Concession Stand as determined by the Zoning Commissioner as entertainment, leisure, or recreational uses pursuant to Sections 423b and 422a of the Baltimore County Zoning Regulations.

Requesting a VARIANCE to Section 232.1 and 303.2 to permit a front yard setback of 0 (zero) feet in lieu of the minimum required 10 (ten) feet.

Requesting a VARIANCE to Section 409.6 to permit 0 (zero) on-site parking spaces in lieu of the minimum required 30 spaces.

Requesting a VARIANCE to Section 232.4 to permit an amenity open space ratio of 0 (zero) in lieu of the required 0.2.

OWNER

RITZ ENTERPRISES, INC.
4847 BELAIR ROAD
BALTIMORE, MARYLAND 21206

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527-1555

Computed by G.C.S.
Drawn by L.J.P.
Checked by G.C.S.
Job Number 92-87

Jan 14 1992 Date
(Maryland Registered No 9012)



93-48-XA

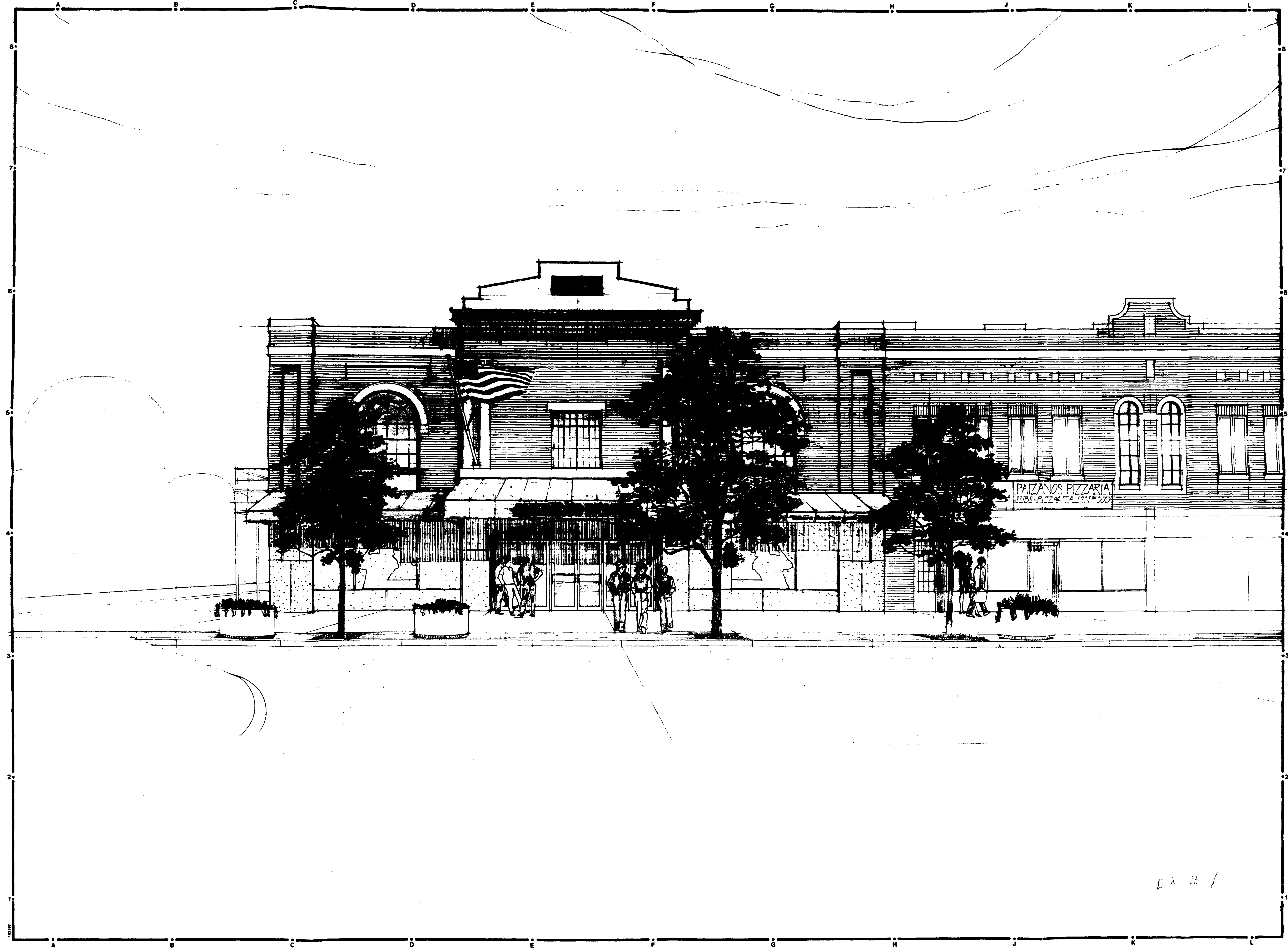
PLAT TO ACCOMPANY
PETITIONS FOR
SPECIAL EXCEPTION & ZONING VARIANCES
AT

#1 SHIPPING PLACE

12TH ELECT. DISTRICT
SCALE: 1"=10'

BALTO. CO., MD.
JULY 24, 1992

TAX MAP 103 PARCEL 444
ACCT. NO. 1218036160



E.M. CANINO + ASSOCIATES
 ARCHITECTS/PLANNERS
 8811 Harford Road / Baltimore, Maryland 21214 / 410/661-4224

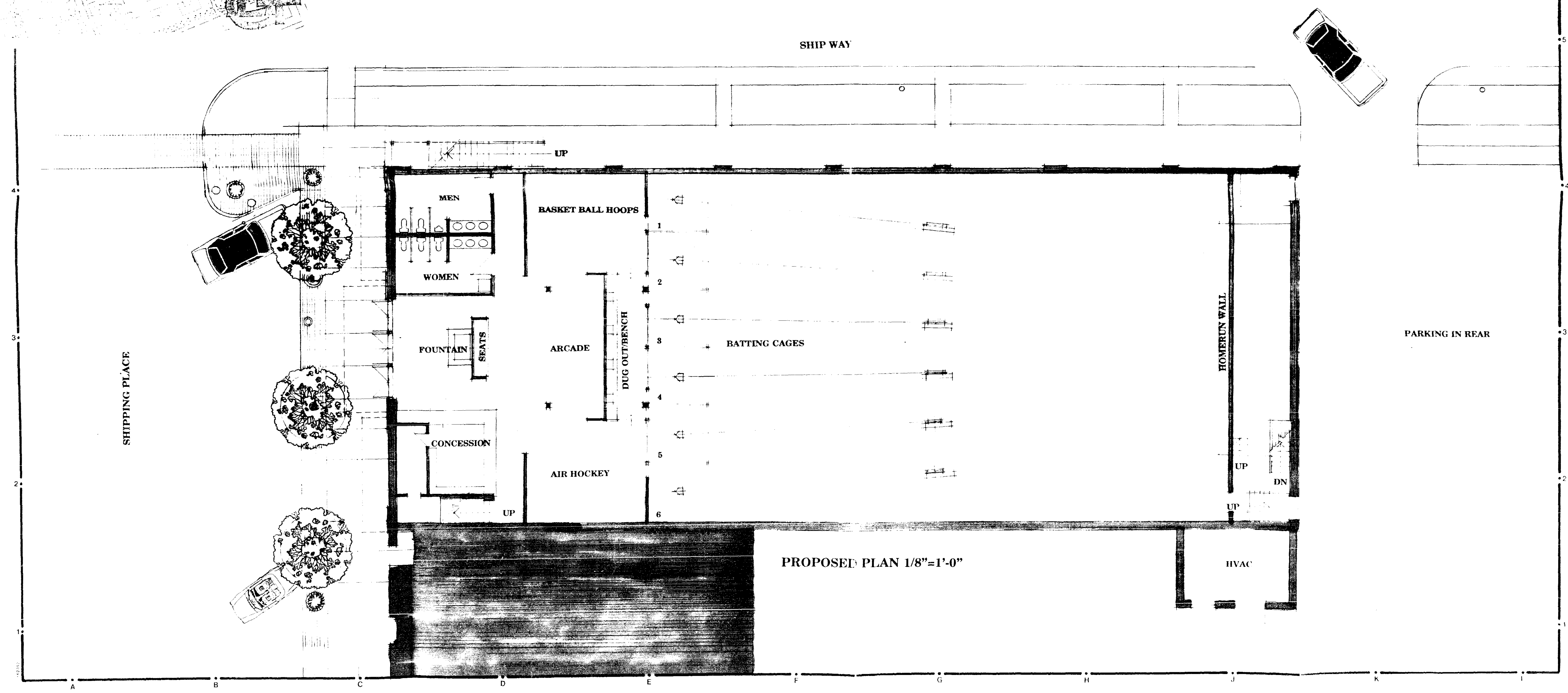
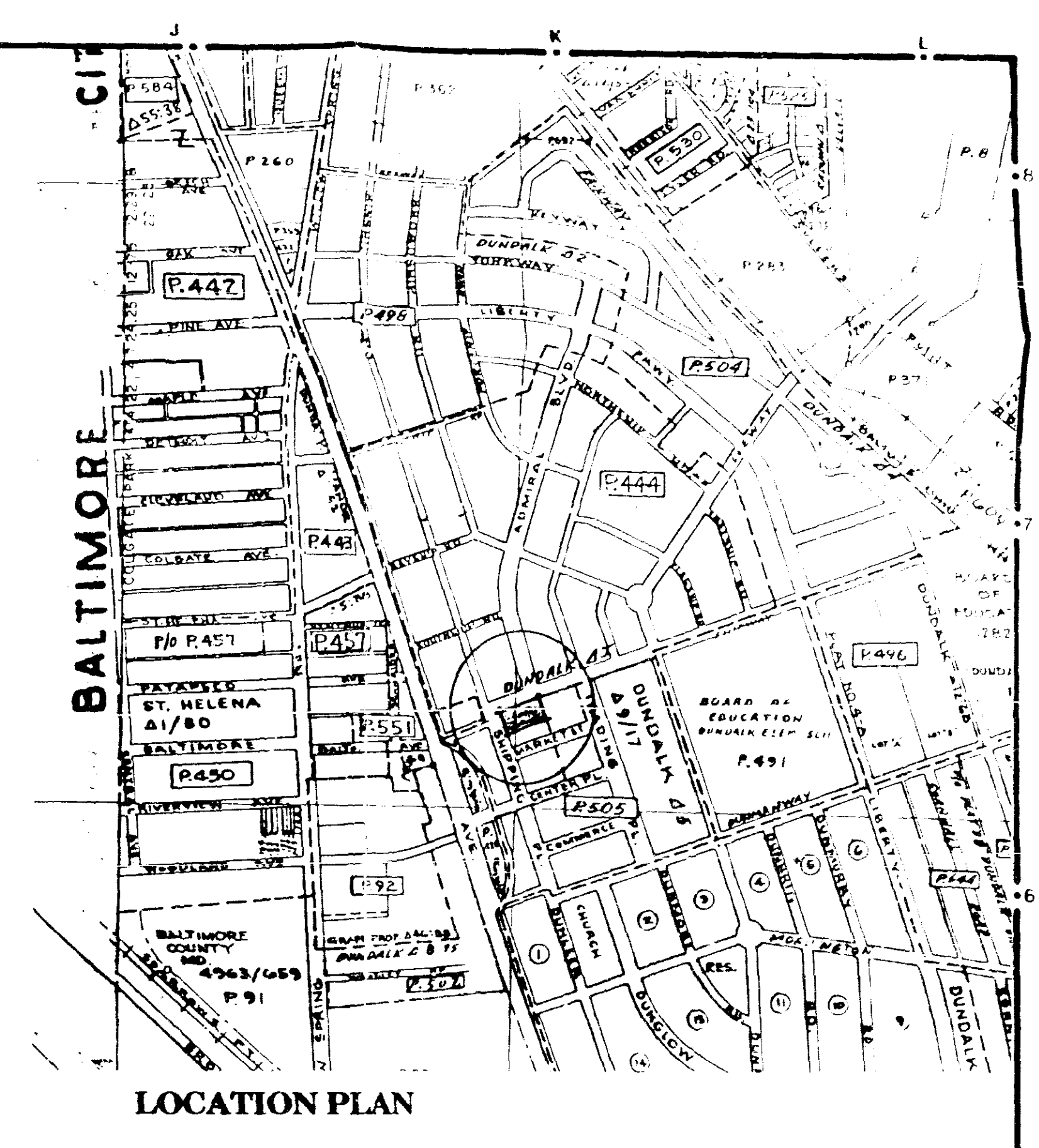
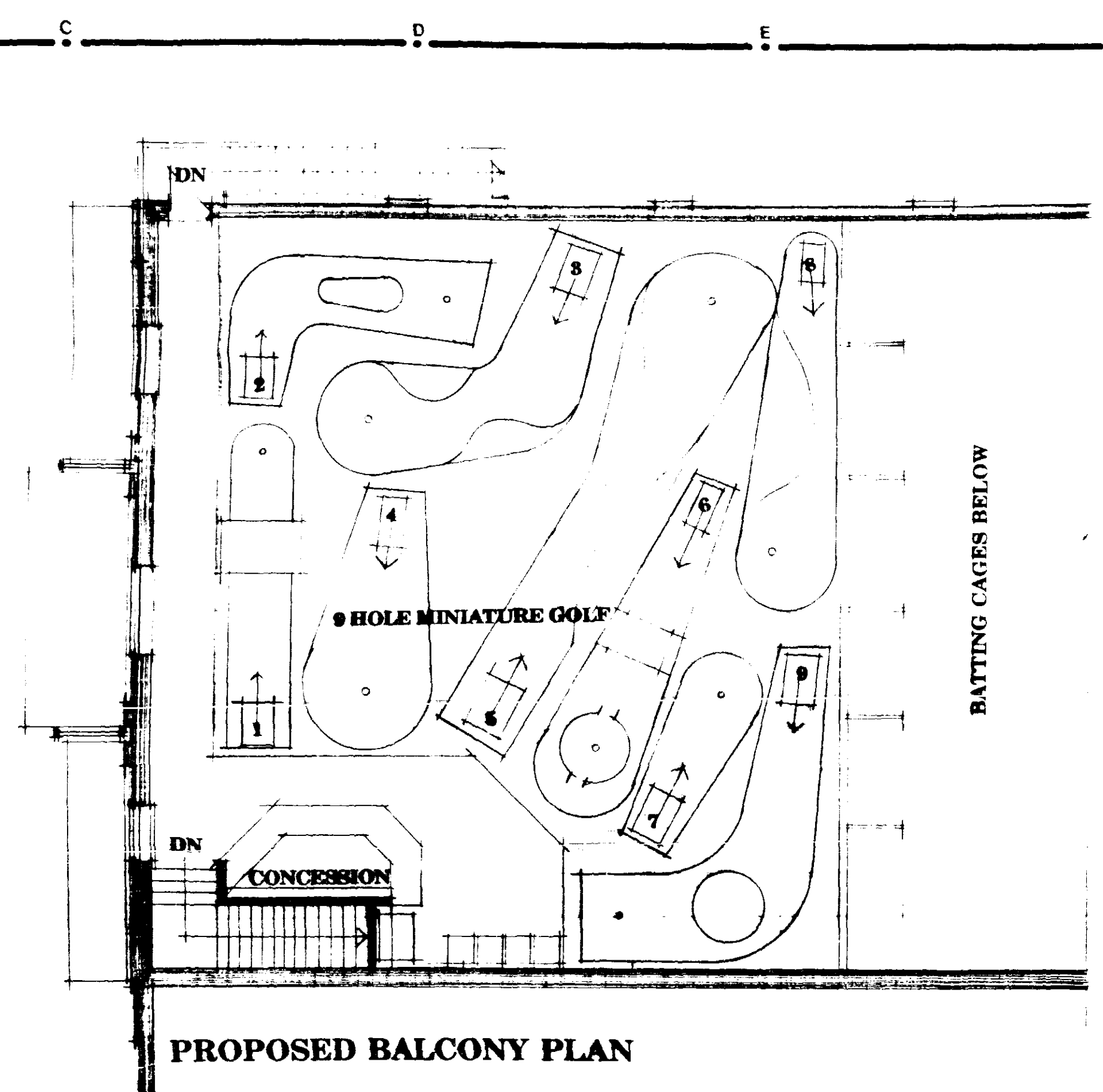


REVISIONS	
No.	Description

PRELIMINARY PROPOSAL
AMERICA'S PASTIME
REMODELING OF THE STRAND THEATER
 10000 BALTIMORE PLACE
 DUNDALK, MD 21222

Proj. No.
Date
Last Rev.
3/3
Sheet of

EX 11



E.M. CANINO + ASSOCIATES
ARCHITECTS PLANNERS



REVISIONS	
No.	Description

PRELIMINARY PROPOSAL
AMERICA'S PASTIME
REMODELING OF THE STRAND THEATER
1 SHIPPING PLACE
DUNDALK, MD 21222

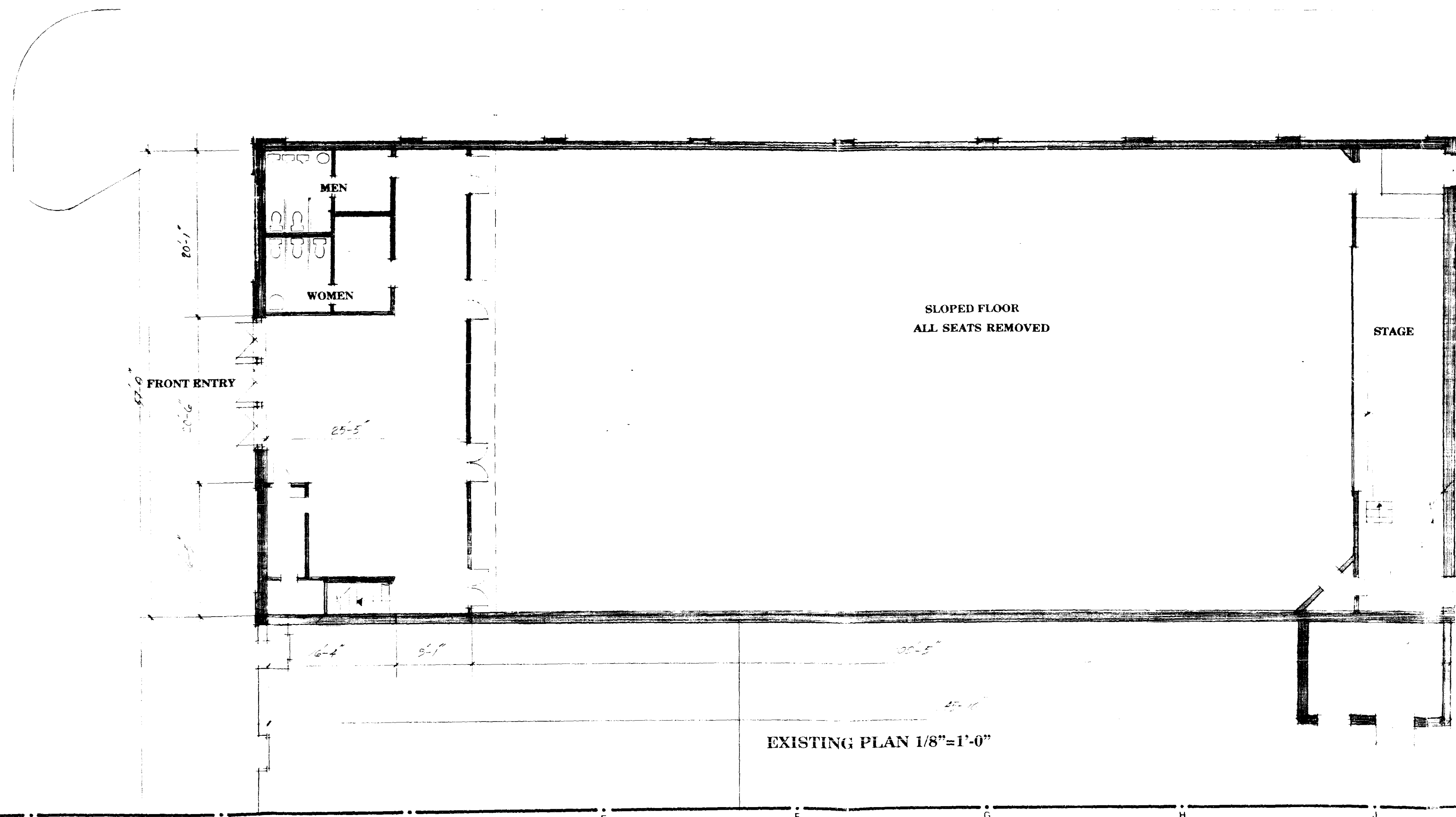
Proj. No.	
Date	
Last Rev.	
Sheet	2/3



PRESENT FRONT ELEVATION



ORIGINAL FRONT ELEVATION



E.M. CANINO + ASSOCIATES
ARCHITECTS PLANNERS



REVISIONS		
No.	Date	Description

PRELIMINARY PROPOSAL
AMERICA'S PASTIME
REMODELING OF THE STRAND THEATER
1 SHIPPING PLACE
DUNDALK, MD 21222

Proj. No.
Date
Last Rev.
1/3
Sheet of